UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/870,621
Filing Date: May 31, 2001
Appellant(s): BROUSSARD, SCOTT J.

Kevin L. Daffer (reg. 34,146)
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11-23-04.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal

is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

Appellant's brief includes a statement that claims of Group I (claims 1-12) and

Group II (claims 13-25) do not stand or fall together and provides reasons as set forth in

37 CFR 1.192(c)(7) and (c)(8).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

5,327,529   Fults   7-1994

Sun Microsystems, Java Platform 1.2 Beta 4 API Specification: Class JpasswordField

and Class JTextField, 1993-1998, page 1, hereinafter Java

Sun Microsystems, The Swing Connection, 2/98, volumn 3, no.4, swing version 1.0,

hereinafter Java (specifically IS).

WinZip Computing Inc., WinZip 8.0, 1991-2000, attached pages, hereinafter WinZip

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WinZip

computing Inc., WINZIP 8.0, hereinafter WinZip, Java, and Fults et al. Patent #5327529,

hereinafter Fults. This rejection is set forth in a prior Office Action, mailed on 6-30-04

(11)   Response to Argument

GROUP I:

With respect to the group of claims including Claims 1-12, the Appellant's

arguments are focused on the limitations regarding the "existence of a first and second

proxy component and a peer component, where the peer component is configured for

selecting a proxy component for use". More specifically, as stated from representative

Claim 1, the limitation argued is:

> *a peer component for selecting either the first proxy component or the*
>
> *second proxy component, depending on a mode of use of the*
>
> *object, wherein the selection can be made during runtime, and*
>
> *wherein after the proxy component is selected, the selected proxy*
>
> *component dynamically creates a new graphics resource*
>
> *component for displaying the object, such that the appearance of*
>
> *the displayed object is substantially independent of the operating*
>
> *system.*

Since the interpretation of the limitation is the basis for the arguments, the

Examiner's interpretation is now given. The Examiner asserts the limitation is a

component used for selecting a display system used to display an object. As stated in

the eighth paragraph of MPEP 2101[R2].II.C.,

> "*Office personnel are to give claims their broadest reasonable*
>
> *interpretation in light of the supporting disclosure.* In re Morris, 127 F.3d
>
> 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the

Examiner will now explain how the teachings of the references, are within the

scope of these limitations.

-WinZip teaches, on pages 3 and 4 a system of software components adapted to display text running under an operating system, in which selection of the mask password check box displays the text with one or two software components namely masked ("********") or unmasked ("password"), the selection of which is made at runtime.

-Java teaches a system of masking passwords similar to that of WinZip using the Swing API and namely the JPasswordField and JTextField (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField), but further teaches a system independent display (see IS page 1 paragraphs 1 and 5).

-Fults teaches a system which generates the interface based on a selection by the user (see column 3, lines 27-52) similar to that of WinZip and Java, Fults, however, further teaches taking hints from a user and using the hints to direct the interface generation to an appropriate user interface implementation (see column 3, lines 33-51, figure 2, and the abstract). Fults further teaches, in column 20, lines 24-34, that libraries are dynamically loaded into memory when needed by the application.

The examiner will now address the individual arguments and statements made by the Appellant.

From page 8 of the Appeal Brief, from the third paragraph, the Appellant argues "the screen shots on pages 3 and 4 of the WinZip reference cannot be used to provide teaching or suggestion for the presently claimed system of

software components, which as noted above, include a first proxy component, a

second proxy component and a peer component".

The examiner contends that the WinZip reference was included in the rejection to

provide an illustration of how the display routine for a particular group of text can be

changed during runtime to effect a change in the appearance of the displayed text (see

pages 3 and 4). The Java reference is relied upon to teach the actual proxy

components, JPasswordField and JtextField, which are display routines that are similar

to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class

JPasswordField and Class JTextField). The Fults reference is further relied upon for

the teaching of a peer component that selects between alternate user interface routines

(see column 3, lines 33-51), similar to the selection of display routine by WinZip.

From page 8 of the Appeal Brief, from the fourth paragraph, the Appellant

argues "the WinZip reference does not teach or suggest that the functionality

shown in the screen shots could be provided by software components similar to

the presently claimed proxy and peer components".

The examiner contends that WinZip does show a display that implements two

different display routines, that are obviously some sort of software component (see

pages 3 and 4). Further there is a selection, by a user, two alternate between display

routines (see pages 3 and 4).

From page 9 of the Appeal Brief, from the second paragraph, the

Appellant argues "the appearance of the displayed object would not be

independent of the operating system, as in the presently claimed case, because

a heavyweight graphic resource would be used for displaying the object in the

WinZip GUI".

The examiner contends that a Java shows the display components are

JPasswordField and JtextField, which are display routines that are similar to those as in

WinZip (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and

Class JTextField), which are Swing components, that have been shown by IS, page 2 to

be able to be displayed with use of Metal which shows the same Look-and-Feel no

matter what operating system it is implemented on.

From page 9 of the Appeal Brief, from the third paragraph, the Appellant

argues "the Java reference fails to provide teaching or suggestion for a first proxy

component, a second proxy component and a peer component for selecting

between the first and the second proxy components, depending on the use of the

object".

The examiner contends that the Java reference is relied upon to teach the actual

proxy components, JPasswordField and JtextField, which are display routines that are

similar to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class

JPasswordField and Class JTextField).   The WinZip reference was included in the

rejection to provide an illustration of how the display routines (further see Java

reference) for a particular group of text can be changed (further see Fults) during

runtime to effect a change in the appearance of the displayed text (see pages 3 and 4).

The Fults reference is further relied upon for the teaching of a peer component that

selects between alternate user interface routines (see column 3, lines 33-51), similar to

the selection of display routine by WinZip.

From page 10 of the Appeal Brief, from the second paragraph, the

Appellant argues "the Java resource component may have combined features

(e.g., masked and unmasked text capabilities) that simply do not exist within a

single Swing graphics resource component".

The examiner contends that as can clearly be seen in the WinZip reference

components that implement masked and unmasked text capabilities exist in the same

resource component.

From page 10 of the Appeal Brief, from the third paragraph, the Appellant

argues "one skilled in the art would not consider the presently claimed proxy

components to be an obvious feature in light of the WinZip and Java references".

In response to applicant's argument that the presently claimed proxy components

to be an obvious feature in light of the WinZip and Java references, the test for

obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of the primary reference; nor is it that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the

test is what the combined teachings of the references would have suggested to those of

ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The java reference provides a means of implementing the display routines of the

WinZip reference which are dynamically changed at runtime.

From page 11 of the Appeal Brief, from the second and third paragraph,

the Appellant argues "Fults does not teach or suggest a peer component for

displaying an object by selecting either a first or second proxy component,

depending on a mode of use of the object" where "any selection between

software components that may or may not be disclosed by Fults is not dependent

on a mode of use of an object."

The examiner contends that Fults does show as admitted to by the applicant on

page 11, paragraph 3, an application defining the generically a UI object to one or more

specific UI objects depending on the specific UI chosen, where this is selection its self is

a selection of a mode of use. Further the selection of masked or unmaked by the

WinZip reference is further a selection of a mode of use, requesting either visible text or

hidden.

From page 12 of the Appeal Brief, from the third paragraph, the Appellant

argues "There is no motivation to combine or modify the teachings of the cited art

to provide a proxy component configured for displaying an object by selecting,

during runtime, either a first or a second proxy component, depending on a mode

of use of the object".

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re

Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, WinZip teaches

the broad idea of using two different display routines for an element, selectable by

another component, and the Java and Fults references supplement implementations of

the display routines and the selection component.

From page 14 of the Appeal Brief, from the first paragraph, the Appellant

argues "There is no motivation to combine the text display system of WinZip with

the system independence of Java, as suggested by the Examiner".

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, WinZip teaches

the broad idea of using two different display routines for an element, selectable by

another component, and the Java and Fults references supplement implementations of

the display routines and the selection component. Further the implementation of an

idea in a different programming language in not novel.

From page 15 of the Appeal Brief, from the fourth paragraph, the

Appellant argues "The Examiner has failed to adequately support and/or

establish prima facie grounds of obviousness".

In response to applicant's argument that there is no teaching or motivation to

suggest the aforementioned limitations of present claim 1, the test for obviousness is

not whether the features of a secondary reference may be bodily incorporated into the

structure of the primary reference; nor is it that the claimed invention must be expressly

suggested in any one or all of the references. Rather, the test is what the combined

teachings of the references would have suggested to those of ordinary skill in the art.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

GROUP II:

With respect to the group of claims including Claims 13-25, the Appellant's

arguments are focused on the limitations regarding the "upon detection of a change in

the mode of use of eh object, deactivating the first proxy component and then activating

a second proxy component to dynamically generate a second graphical representation

of an object". More specifically, as stated from representative Claim 1, the limitation

argued is:

> *Upon detecting a change in the mode of use of the object, deactivating the*
>
> *first component and activating a second proxy component to*
>
> *dynamically generate a second graphical representation of the*
>
> *object during runtime, wherein the second graphical representation*
>
> *is substantially independent of the operating system and distinct*
>
> *from the first graphical representation.*

Since the interpretation of the limitation is the basis for the arguments, the

Examiner's interpretation is now given. The Examiner asserts the limitation is a

selection that stops a first component from displaying in its manner and implements a

second component to display the object. The mode of use is not limited in the way in

which it is changed, this can be an observed change or a user selected change. As

stated in the eighth paragraph of MPEP 2101[R2].II.C.,

> "*Office personnel are to give claims their broadest reasonable*
>
> *interpretation in light of the supporting disclosure.* In re Morris, 127 F.3d
>
> 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the

Examiner will now explain how the teachings of the references, are within the

scope of these limitations.

-WinZip teaches, on pages 3 and 4 a system of software components adapted to

display text running under an operating system, in which selection of the mask

password check box (user selection of a change in mode) displays the text with one or

two software components namely masked ("********") or unmasked ("password"), the

selection of which is made at runtime.

-Java teaches a system of masking passwords similar to that of WinZip using the

Swing API and namely the JPasswordField and JTextField (see Java Platform 1.2 Beta

4 API Specification: Class JPasswordField and Class JTextField), but further teaches a

system independent display (see IS page 1 paragraphs 1 and 5).

-Fults teaches a system which generates the interface based on a selection by

the user (user selection of a change in mode) (see column 3, lines 27-52) similar to that

of WinZip and Java, Fults, however, further teaches taking hints from a user and using

the hints to direct the interface generation to an appropriate user interface

implementation (see column 3, lines 33-51, figure 2, and the abstract). Fults further

teaches, in column 20, lines 24-34, that libraries are dynamically loaded into memory

when needed by the application.

The examiner will now address the individual arguments and statements made

by the Appellant.

From page 17 of the Appeal Brief, from the second paragraph, the Appellant argues "teachings of WinZip and Java references can combined to render the above limitations".

The examiner contends that the WinZip reference was included in the rejection to provide an illustration of how the display routine for a particular group of text can be changed during runtime to effect a change in the appearance of the displayed text (see pages 3 and 4). The Java reference is relied upon to teach the actual proxy components, JPasswordField and JtextField, which are display routines that are similar to those as in WinZip (see Java Platform 1.2 Beta 4 API Specification: Class JPasswordField and Class JTextField). The Fults reference is further relied upon for the teaching of a peer component that selects between alternate user interface routines (see column 3, lines 33-51), similar to the selection of display routine by WinZip.

From page 18 of the Appeal Brief, from the first paragraph, the Appellant argues "the screen shots provide absolutely no teaching, suggestion or motivation for activating/deactivating different software components".

The examiner contends that the WinZip reference was included in the rejection to provide an illustration of how the display routine for a particular group of text can be changed during runtime to effect a change in the appearance of the displayed text (see pages 3 and 4). It is further the mode of use is not limited in the way in which it is changed, this can be an observed change or a user selected change.

From page 18 of the Appeal Brief, from the third paragraph, the Appellant

argues "The Examiner has failed to adequately support and/or establish prima

facie grounds of obviousness".

In response to applicant's argument that there is no teaching or motivation to

suggest the aforementioned limitations of present claim 13 and 25, the test for

obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of the primary reference; nor is it that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the

test is what the combined teachings of the references would have suggested to those of

ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
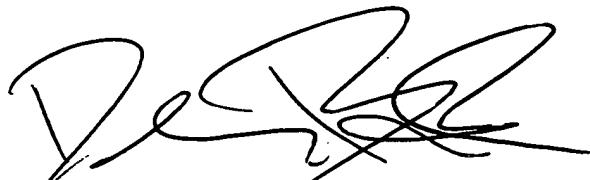
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